

DISCUSSION OF THE AMENDMENT

New Claims 21-24 have been added. Claims 21-23 are supported in the specification at page 11, line 31ff, combined with page 16, lines 6-17.

Claim 24 is supported in the specification at page 17, line 5.

Claims 7 and 14 have been canceled. Claim 17 has been amended to depend on Claim 21. Claim 18 has been amended to depend on Claim 23.

No new matter is believed to have been added by the above amendment. Claims 17, 18 and 21-24 are now pending in the application.

REMARKS

Applicants thank the Examiner for the courtesy extended to Applicants' attorney during the interview held June 4, 2007, in the above-identified application. During the interview, Applicants' attorney discussed whether a proposed amendment to Claim 7 limiting the anode to a carbonaceous substance would overcome the below-discussed rejection over prior art. The Examiner found that without evidence of patentability of the new subject matter, the new subject matter would be obvious. Nevertheless, the discussion is moot in view of the above-discussed amendment.

The rejection of Claims 7, 14 and 17-20 under 35 U.S.C. § 103(a) as unpatentable over JP 2000-235868 (JP '868) in view of JP 04-190560 (JP '560), is respectfully traversed.

JP '868 has been relied on for a disclosure of a lithium secondary battery containing a nonaqueous solvent, which solvent contains γ -butyrolactone in an amount of from 50-95 vol.%, as well as the disclosure of a lithium cobalt oxide as a positive active material [0023], polyvinylidene fluoride as a binder therefor [0025] and a second sheathing material of thickness 0.05-0.3 mm, and more desirably 0.08-0.15 mm [0066]. The Examiner concedes that JP '868 does not disclose a lithium cobalt oxide containing an amount of Nb therein.

The Examiner thus relies on JP '560.

JP '560 discloses a particular positive electrode active material for a lithium secondary battery which has the formula $\text{Li}_x(\text{Co}_{1-y}\text{M}_y)\text{O}_2$, wherein x=0 to 2, y=0.001 to 0.4 and M is an element or elements of the group including at least Nb or Ta.

However, the lithium secondary battery of JP '560 employs a liquid electrolyte, not a solid electrolyte. See page 6, lines 13-16. JP '868 similarly discloses only a liquid electrolyte. Thus, even if JP '868 were combined with JP '560, the result would still not be the presently-claimed invention.

For all the above reasons, it is respectfully requested that this rejection be withdrawn.

Applicants respectfully submit that all of the presently-pending claims in this application are now in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Norman E. Oblon



Harris A. Pitlick
Registration No. 38,779

NFO:HAP\